

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

WARRIOR MET COAL MINING, LLC

and

Case 10-CA-274900

**UNITED MINeworkERS OF AMERICA,
INTERNATIONAL UNION**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by United Mineworkers of America, International Union (UAW or Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Warrior Met Coal Mining, LLC (Respondent) has violated the Act as described below.

1.

(a) The original charge in this matter was filed on March 30, 2021, and a copy was served upon Respondent by U.S. mail on March 31, 2021.

(b) The first amended charge in this matter was filed on August 17, 2021, and a copy was served upon Respondent by U.S. mail on the same date.

2.

At all material times, Respondent has been a Delaware limited liability company with offices and places of business located in Alabama (Respondent's facilities) and has been engaged in the business of mining, non-retail sale, and distribution of coal.

3.

During the previous 12-month period, in conducting its business operations described in paragraph 2, Respondent purchased and received at Respondent's facilities goods and services valued in excess of \$50,000 directly from points outside of the State of Alabama.

4.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Sections 2(2), (6), and (7) of the Act.

5.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

- (a) Kelly Grant – Chief Administrative Officer
- (b) Jack Richardson – Chief Operating Officer

7.

At all material times, by virtue of Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the following employees of Respondent (the Unit):

All miners, repair and maintenance workers, and supply workers employed at Respondent's facilities, excluding all watchmen, clerks, engineering and technical workers, security guards, managers, and supervisors as defined by the Act.

8.

Prior to April 1, 2021, Respondent and the Union maintained and enforced a collective-bargaining agreement covering the terms and conditions of employment of the Unit.

9.

The collective-bargaining agreement identified in paragraph 8 expired effective April 1, 2021.

10.

About March 19, 2021, the Union hand delivered a written memorandum to Respondent in which it requested certain information, attached hereto as Exhibit A.

11.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs in subsection “Financial Matters” of Exhibit A: Paragraphs 2, 5, 6, 7, 9, 10, 11, 12, 14, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, and 33.

12.

Since about May 3, 2021, Respondent has failed and refused to fully respond to the information requests in the following paragraphs of subsection “Financial Matters” of Exhibit A by failing to provide the described information:

Par.	Documents requested but not provided
1	Respondent’s auditor’s letters and opinions for the four years prior to March 21, 2021, except to the extent that Respondent provided some auditor’s letters and opinions for 2019 and 2020 in the 2019 and 2020 10-K reports.
3	Respondent’s sales register, payroll register, general ledger, accounts payable, accounts receivable, fixed assets register, disbursement register the four years prior to March 21, 2021, except to the extent that Respondent already provided some accounts payable information.

Par.	Documents requested but not provided
4	A list of Respondent's outstanding purchase orders and contracts, except to the extent Respondent already provided unredacted and redacted general service agreements with vendors and the stop-loss contracts with Blue Cross Blue Shield for 2020 and 2021.
8	Copies of all tax assessments documents from any taxing authority for Respondent for the four years prior to March 21, 2021, except to the extent that Respondent provided some information in the tax assessment overview in the Respondent's 2019 and 2020 10-K reports.
13	Detailed fixed asset and depreciation schedules/balances for Respondent as of the date of request, except to the extent that Respondent already provided the depreciation and depletion totals in the Respondent's 2019 and 2020 10-K reports.
15	Internally prepared monthly and annual financial statements/worksheets for Respondent for the four years prior to March 21, 2021, except to the extent that Respondent already provided the annual financial statements in its 2019 and 2020 10-K reports.
16	Copies of the Respondent's federal, state, and local tax returns for the four years prior to March 21, 2021, including any extensions, claims for refunds or tax credits, except to the extent that that Respondent already provided information related to refunds or tax credits was included in the Respondent's 2019 and 2020 10-K reports.
22	Detailed list and supporting documents (i.e., invoices) of all capital expenditures for Respondent, except to the extent that Respondent provided lists of some expenditures as discussed in the Respondent's 2019 and 2020 10-K reports.
24	All financial projections with respect to any assets of any Company, including mine by mine level financial/performance data (soft not pdf format) for the four years prior to March 21, 2021, except to the extent that Respondent provided lists of some expenditures as discussed in the Respondent's 2019 and 2020 10-K reports.
34	List of contractors working in the mine. Please provide contract company name, number of employees working at the operations, except to the extent that Respondent already provided general service agreements that include company names.
35	Breakdown of payments made to contractors performing work at the operations, except to the extent that the Respondent provided invoices for Compliance Staffing Agency, LLC and Jenmar Services.

13.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs of subsection “Personnel” of Exhibit A: Paragraphs 3, 4, 5, 6, 7, and 8.

14.

Since about May 3, 2021, Respondent has failed and refused to fully respond to the information requests in the following paragraphs of subsection “Personnel” of Exhibit A by failing to provide the described information:

Par.	Documents requested but not provided
1	Identify all officers and directors serving at anytime since the formation of each company to the present. In addition, provide all compensation paid to the officers and directors; except to the extent Respondent provided some of its officers, directors, and compensation for 2019 and 2020.
2	List of all annual employees of each Company setting forth position, location, duties and functions, and annual compensation including bonus, deferred compensation and other benefits; except to the extent Respondent provided the locations and job profiles for bargaining unit employees.

15.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs of subsection “ERISA and Other Plans” of Exhibit A: Paragraphs 2, 3, and 6.

16.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs of subsection “ERISA and Other Plans” of Exhibit A, as it relates to bargaining-unit employees, by failing to provide the described information:

Par.	Documents requested but not provided
1	Copies of pension, health, deferred compensation, profit-sharing plans or programs, bonus, retirement, incentive compensation, severance and other employee benefit plans or agreements for bargaining unit employees, except to the extent that the Respondent provided copies of health plans, employee benefit plans and a 2017 equity incentive plan.
4	Copies of any agreements entered into with other companies related to health care benefit plans, except to the extent that the Respondent provided stop loss insurance policies for 2020 and 2021, Cobra benefit guides, and 2021 Cobra rates.
5	Medical costs for 2015, 2016, 2017, 2018, 2019, 2020 and 2021 year to date, except to the extent that the Respondent provided the high-cost claim reports for 2019, 2020 and year to date for 2020, summary metrics for 2019 and 2020 o total copay, coinsurance, deductible and net payment costs and Blue Cross Blue Shield (BCBS) medical clinical data for 2019, and 2020.

17.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs of subsection “Other Agreements” of Exhibit A: Paragraphs 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

18.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs of subsection “Other Agreements” of Exhibit A by failing to provide the described information:

Par.	Documents requested but not provided
7	Copies of all extant management, service, and tax sharing agreements for Respondent, except to the extent that the Respondent provided some general service agreements for Respondent.

19.

Since about May 3, 2021, Respondent has failed and refused to provide information that concerns Respondent in response to the following paragraphs of subsection “Attachment A- Additional health care data requests,” subsubsection “DRUGS,” of Exhibit A, as requested for

bargaining-unit employees for the four years preceding the date of the request: Paragraphs 1, 2, 5, 6, and 10 through 69.

20.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs in subsection “Attachment A-Additional health care data requests,” subsubsection “DRUGS,” of Exhibit A, for bargaining-unit employees for the four years preceding the date of the request, by failing to provide the described information:

Par.	Documents requested but not provided
3	Chain pharmacy usage and costs, except to the extent that Respondent identified the names of pharmacies.
4	Independent pharmacy usage and costs, except to the extent that Respondent identified the names of pharmacies.
7	Top 50 brand drugs by cost and number of scripts, except to the extent that the Respondent identified whether prescriptions were brand or generic.
8	Top 50 generic drugs by cost and number of scripts, except to the extent that the Respondent identified whether prescriptions were brand or generic.
9	Top single source brand drugs and their closest competitor’s price, except to the extent that the Respondent identified brand drugs.

21.

Since about May 3, 2021, Respondent has failed and refused to provide information as requested in the following paragraphs of subsection “Attachment A-Additional health care data,” subsubsection “HEALTH CARE,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 1, 2, 4, 17, 19, 20, 21, 25, 27, 28, and 29.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs in subsection “Attachment A-Additional health care data,” subsubsection “Healthcare,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request, by failing to provide the described information:

Par.	Documents requested but not provided
3	Total emergency room visits per year, except to the extent that the Respondent provided the total ER visits per year for 2019 and 2020 in its BCBS medical clinical data.
5	Provide number of covered employees and total participants, except to the extent that the Respondent provided the total number of covered employees, the total participants, and the average costs for benefits for 2019 and 2020 in its BCBS medical clinical data.
6	Average monthly cost for hospital benefits except to the extent that the Respondent provided data on inpatient services at the top twenty hospitals per year for 2019 and 2020 in its BCBS medical clinical data.
7	Average monthly cost for hospital benefits PMPM except to the extent that the Respondent provided data on inpatient services at the top twenty hospitals including net pay per adult per hospital per year for 2019 and 2020 in its BCBS medical clinical data.
8	Average monthly cost for hospital benefits PMPY, except to the extent that the Respondent provided data on inpatient services at the top twenty hospitals including net pay per adult per hospital per year for 2019 and 2020 in its BCBS medical clinical data.
9	Average monthly cost for physician services, except to the extent that the Respondent provided data on physician services for the years 2019 and 2020 in its BCBS medical clinical data.
10	Average monthly cost for physician services PMPM, except to the extent that the Respondent provided data on physician services per member per month for the years 2019 and 2020 in its BCBS medical clinical data.
11	Average monthly cost for physician services PMPY, except to the extent that the Respondent provided data on physician services per member per month for the years 2019 and 2020 in its BCBS medical clinical data.
12	Average monthly cost for physician visits, except to the extent that the Respondent provided data on physician visits for the years 2019 and 2020 in its BCBS medical clinical data.

Par.	Documents requested but not provided
13	Average monthly cost for physician visit PMPM, except to the extent that the Respondent provided data on physician visits per member per month for the years 2019 and 2020 in its BCBS medical clinical data.
14	Average monthly cost for physician visit PMPY, except to the extent that the Respondent provided data on physician visits per member per month for the years 2019 and 2020 in its BCBS medical clinical data.
15	Average monthly cost per servicer, except to the extent that the Respondent provided data on average cost per service for the years 2019 and 2020 in its BCBS medical clinical data.
16	Co-pays, except to the extent that the Respondent included general information on co-pays in its “summary of Benefits and Coverage Plans,” and provided the total co-payments for 2019 and 2020.
18	Total service payments, except to the extent that the Respondent provided data on the total service payments for except to the extent that the Respondent provided data physician services per member per month for the years 2019 and 2020 in its BCBS medical clinical data.
22	X-ray costs PMPY and PMPM, except to the extent the Respondent provided data on the number and cost of X-rays per member per year for the years 2019 and 2020 in its BCBS medical clinical data.
23	Inpatient facility-visits, services, charges, payments, average length of stay, except to the extent the Respondent provided data on the visits, services, charges, payments, and average length of stay in inpatient facilities year for the years 2019 and 2020 in its BCBS medical clinical data.
24	Outpatient facility- visits, services, charges, payments, average length of stay, except to the extent the Respondent provided data on the visits, services, charges, payments, and average length of stay in outpatient facilities year for the years 2019 and 2020 in its BCBS medical clinical data.

23.

Since about May 3, 2021, Respondent has failed and refused to provide information as requested in the following paragraphs of subsection “Attachment A-Additional health care data,” subsubsection “VISION,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 2, 3, 4, 5, and 6.

24.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs in subsection “Attachment A-Additional health care data,” subsubsection “VISION,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request, by failing to provide the described information:

Par.	Documents requested but not provided
1	Vision services, except to the extent that the Respondent provided a general description of its vision care services for the years 2016 and 2021 in its employee benefits guides and summary of benefits and coverage documents.

25.

Since about May 3, 2021, Respondent has failed and refused to provide information that concerns Respondent as requested in the following paragraphs of subsection “Attachment A-Additional health care data,” subsubsection “DENTAL,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 4 and 5.

26.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs of subsection “Attachment A-Additional health care data,” subsubsection “DENTAL,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request, by failing to provide the described information:

Par.	Documents requested but not provided
1	Dental care services, except to the extent that the Respondent provided a general description of its dental care services in its employee benefits guides and summary of benefits and coverage documents from 2016-2021.
2	Dental cost PMPM, except to the extent that the Respondent provided data on the dental cost per member per month in 2019 and 2020 only in its BCBS medical clinical data.

Par.	Documents requested but not provided
3	Dental cost PMPY, except to the extent that the Respondent provided data on the dental cost per member per month in 2019 and 2020 only in its BCBS medical clinical data.
6	Total cost per year, from 2016 to 2020; except to the extent Respondent provided this data for 2019 and 2020.

27.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs of subsection “Attachment A- Additional health care data,” subsubsection “Life and AD&D Insurance,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 1, 2, and 3.

28.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs of subsection “Attachment A- Additional health care data,” subsubsection “Ambulance Services,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 1, 2, and 3.

29.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs of subsection “Attachment A- Additional health care data,” subsubsection “Durable Medical Equipment,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 1 and 4.

30.

Since about May 3, 2021, Respondent has failed and refused to fully provide information for bargaining-unit employees in response to the following paragraphs of subsection “Attachment A-Additional health care data,” subsubsection “Durable Medical Equipment,” (DME) of Exhibit A by failing to provide the described information:

Par.	Documents requested but not provided
2	DME Costs PMPY, except to the extent that the Respondent provided data on the DME cost per member per month in 2019 and 2020 only in its BCBS medical clinical data.
3	DME Costs PMPM, except to the extent that the Respondent provided data on the DME cost per member per month in 2019 and 2020 only in its BCBS medical clinical data.

31.

Since about May 3, 2021, Respondent has failed and refused to provide the following information concerning Respondent as requested in the following paragraphs of subsection “Attachment A-Additional health care data,” subsubsection “OTHER,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 2, 3, 8, 10 through 21, 24, 25, and 26.

32.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs of subsection “Attachment A-Additional health care data,” subsubsection “OTHER,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request, by failing to provide the described information:

Par.	Documents requested but not provided
1	Census of age, gender, active, retired and cost relevant to health and prescription drugs.
4	Member payment range report- payments, % of payments, cumulative % of payments, members, % of average enrolled members, cumulative % of averaged enrolled members.

Par.	Documents requested but not provided
5	Inpatient facility utilization by diagnostic category- Please sort by payments and other items such as days, admits severity index, etc.
6	Inpatient facility- Please provide top 20 by payments, admits, days, services, % of payments.
7	Outpatient facility utilization by type of service- Please sort by payments and other items such as services, payment/member, etc.
9	Professional Utilization by type of service- Please sort by payment, services, etc.
22	Member payments by prescription and medical each year.
23	Cobra premiums and a detailed description on how each different class is calculated (example Single, Family, Employee plus one, etc.)
27	Total health care cost per employee per year, except to the extent that the Respondent provided information on total health care costs per employee per year in its BCBS summary metrics and its BCBS medical clinical data for 2019 and 2020 only.
28	Total cost of UMWA employee per year by mine, except to the extent that Respondent has already provided data on the total medical costs of UMWA employees per year for 2019 and 2020 in its BCBS medical clinical data, and the total prescription costs for 2016-2021 in its CVS Rx claims detail documents, but the prescription costs were not provided by mine, as requested.
29	Total medical and prescription costs, except to the extent that Respondent has already provided data on the total medical costs of UMWA employees per year for 2019 and 2020 in its BCBS medical clinical data, and the total prescription costs for 2016-2021 in its CVS Rx claims detail documents.
30	Rebate and discount amounts, except to the extent that the Respondent has already provided information on the discounts per member per month and total discounts for medical costs for 2019 and 2020 in its BCBS medical clinical data.

33.

Since about May 3, 2021, Respondent has failed and refused to provide information concerning Respondent as requested in the following paragraphs of subsection “Attachment B-

Other supplemental info request,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request: Paragraphs 1, 4 through 9, and 11 through 21.

34.

Since about May 3, 2021, Respondent has failed and refused to fully provide information in response to the following paragraphs of subsection “Attachment B-Other supplemental info request,” of Exhibit A, as requested for bargaining-unit employees for the four years preceding the date of the request, by failing to provide the described information:

Par.	Documents requested but not provided
2	Distribution of employees by job classification and wage rate for bargaining unit employees, except to the extent that the Respondent provided information on the job profiles for bargaining unit employees as of 03/24/2021.
3	Job description including duties and minimum qualifications for each job classification for bargaining unit employees, except to the extent that the Respondent provided information on the job profiles for bargaining unit employees as of 03/24/2021.
10	Work force turnover information for bargaining unit employees: number of retiring employees; number of voluntary quits; number of involuntary terminations; number of recalls from layoff; number of new hires with experience; number of new hires without experience, except to the extent Respondent provided information on the number of involuntary terminations from 2016-2021.
22	A quarterly listing of the number of subcontracting jobs performed for the employer where the total value of the subcontracted work exceeded \$500, except to the extent that Respondent some redacted (and unredacted) general service agreements which describe the type of work performed.

35.

The information requested by the Union regarding Respondent, as described above in paragraphs 10 through 34, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

36.

Since about May 3, 2021, Respondent has failed and refused to furnish the Union with the information requested by it as described above in paragraphs 10 through 35.

37.

By the conduct described above in paragraphs 11 through 36, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act

38.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondents are notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before October 1, 2021, or postmarked on or before September 30, 2021.** Respondents should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time)

on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **Monday, November 29, 2021 at 10:00 am central time, via Zoom videoconference**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondents and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: September 17, 2021



Lisa Y. Henderson
Regional Director
National Labor Relations Board
Region 10
401 W Peachtree St NW Ste 472
Atlanta, GA 30308-3525

Attachments

United Mine Workers of America



TELEPHONE
(703) 291-2400

UNITED MINE WORKERS' HEADQUARTERS
18354 QUANTICO GATEWAY DRIVE, SUITE 200

Triangle, VA

March 19, 2021

Memorandum

TO: Kelli Gant
Chief Administrative Officer, Warrior Met Coal

Jack Richardson
Chief Operating Officer, Warrior Met Coal

FROM: Brian Sanson
Director of Research

RE: Document and Information Request

From Warrior Met. and its affiliated entities (each a “Company”), the United Mine Workers of America requests the following information:

General Corporate Matters

1. Copies of all minutes of shareholders meetings from each Company (and all actions taken by written consent without a meeting) for the four (4) years prior to today.
2. Copies of all minutes of board of directors meetings of each Company (and all actions taken by written consent without a meeting) for the four (4) years prior to today.
3. Copies of all minutes of committees of the board, if any, for each Company (and all actions taken by written consent without a meeting) for the four (4) years prior to today.
4. Copies of each Company’s certificate of incorporation, as amended to date.

EXHIBIT A

5. Copies of each Company's by-laws, as amended to date.
6. List of jurisdictions in which each Company is qualified to do business or is otherwise operating.
7. List of any assumed names under which each Company does business or has done business in the past four (4) years.
8. Any and all other documents related to the acquisition, purchase and/or formation of each Company.
9. Corporate structure chart showing all subsidiaries, including each Company's ownership interest in such subsidiaries.
10. List of each Company's investments in other corporations, partnerships, limited liability companies, business trusts, or other entities during the past four (4) years.
11. All agreements between each Company and any subsidiary or affiliate of each Company.
12. Copies of all agreements relating to the purchase, sale or issuance of each Company's securities, stock or equity for the four (4) years prior to today.
13. Copies of agreements relating to voting of each Company's securities, preemptive rights and restrictive share transfers.

Financial Materials

1. Copies of all auditor's letters and opinions for the four (4) years prior to today.
2. Copies of all correspondence with each Company's public accountants for the four (4) years prior to today.
3. Copies of the following documents for the four (4) years prior to today (in Excel if possible):
 - Sales register
 - Payroll register
 - General ledger
 - Accounts payable
 - Accounts receivable
 - Fixed assets register
 - Disbursement register
4. A list of each Company's outstanding purchase orders and contracts.
5. Copies of each Company's budget for the current year, including drafts and worksheets (in soft, not PDF, format).
6. Identification of customers lost by each Company for the four (4) years prior to today.
7. Copies of all tax audits or deficiency reports and a description of any open matters with tax

authorities for each Company.

8. Copies of all tax assessment documents from any taxing authority for each Company for the four (4) years prior to today.
9. Detailed accounts receivable listing by date for all customers as of today including, but not limited to, a description of what steps each Company is taking to collect these amounts.
10. Detailed accounts receivable aging for each Company as of today (in Excel if possible).
11. Detailed accounts payable aging for each Company as of today (in Excel if possible)
12. Detailed cash receipts and disbursements records, including wire transfers, for each Company the four (4) years prior to today.
13. Detailed fixed asset and depreciation schedules/balances for each Company as of today.
14. Accounting of all furniture, fixtures and equipment (fixed assets) at each Company's facility and an accounting of the disposition of any assets removed from the facility for the four (4) years prior to today.
15. Internally prepared monthly and annual financial statements/worksheets for each Company for the four (4) years prior to today.
16. Copies of the Company's Federal, State and Local tax returns for each Company for the 4 years prior to today including any extensions, claims for refunds or tax credits.
17. Any and all appraisals of all real property owned by each Company for the four (4) years prior to today.
18. Actual vs budget results for each week for each Company for the four (4) years prior to today.
19. A copy of each Company's most recent payroll.
20. Copies of W-2's, W-3's and 1099's for each Company for the three (3) years prior to today.
21. Copies of all credit card statements for each Company for the two (2) years prior to today.
22. Detailed list and supporting documents (i.e. invoices) of all capital expenditures for each Company for the four (4) years prior to today.
23. Any valuation or liquidation analysis prepared by the each Company or its outside accountants or other advisors for the four (4) years prior to today.
24. All financial projections with respect to any assets of any Company, including mine by mine level financial/performance data (soft not pdf format) for the four years prior to today
25. Any preference analysis prepared by or on behalf of each Company, indicating against which parties preferences, including any defenses.

26. Any business plans or financial models (in a soft version - not pdf) prepared by or on behalf of each Company or on a consolidated basis for the four (4) years prior to today.
27. A detailed breakdown of all Capital Expenditures planned in 2021, 2022, 2023, 2024 and 2025.
28. Detailed breakdowns of a royalty payments and documents associated with the agreements.
29. Most recent detailed mine maps and reserve maps with all future mine plan development.
30. Detailed breakdown of payments made to vendors.
31. Breakdown of corporate office costs.
32. Breakdown of Transloading facility costs.
33. Breakdown of rebuild and repair shop costs.
34. List of contractors working in the mine. Please provide contract company name, number of employees working at the operations.
35. Breakdown of payments made to contractors performing work at the operations.

Related Party and Sales Transactions

1. Copies of all notes, agreements and any other evidence of indebtedness between each Company and any affiliate or related Company.
2. All documents, including, but not limited to contracts, agreements, correspondence, loans, repayments, court/state filings, invoices and accounting journal/adjusting entries supporting any transactions or other economic activity between each Company and any affiliate or related entity since today and within the two years prior to today to the present.
3. All documents, including, but not limited to contracts, agreements, correspondence, loans, repayments, court/state filings, invoices and accounting journal/adjusting entries supporting any transactions or other economic activity between each Company and any affiliate or related entity related to the sale of assets since 2015.
4. Copies of all documents related to the purchase of the mine including but not limited to contracts, agreements, correspondence, loans, repayments, court/state filings, invoices and accounting journal/adjusting entries supporting any transactions or other economic activity between each Company and any affiliate or related entity.
5. Copies of all documents related to the purchase of all the Company's and affiliate's mines including but not limited to contracts, agreements, correspondence, loans, repayments, court/state filings, invoices and accounting journal/adjusting entries supporting any transactions or other economic activity between each Company and any affiliate or related entity.

6. Copies of all documents related to the Company's mines including but not limited to contracts, agreements, correspondence, loans, repayments, court/state filings, invoices and accounting journal/adjusting entries supporting any transactions or other economic activity between each Company and any affiliate or related entity.

Litigation

1. Copies of all consent decrees, judgments, settlement agreements and injunctions to which each Company is subject to or a party.
2. Copies of all pleadings of all litigation and proceedings (including arbitration proceedings) whether settled or pending to which each Company is a party.
3. Copies of each Company's attorneys' letters to accountants, including attorneys' responses to audit inquiries, if any, for the four (4) years prior to today.
4. List of any inquiries made to any Company from governmental agencies concerning potential violations of laws, rules or regulations.

Compliance With Laws

1. Citations and notices received from government agencies by each Company in the four (4) years prior to today.
2. List of all pending investigations and governmental proceedings against each Company.
3. List of each Company's government licenses, authorizations, permits and consents.
4. Copies of each Company's reports to and correspondence with government agencies in the four (4) years prior to today.
5. Copies of each Company's documents concerning or relating to any suspended or revoked government permits or licenses.

Personnel

1. Identify all officers and directors of each Company serving at anytime since the formation of each Company to the present. In addition, provide all compensation paid to the officers and directors.
2. List of all employees of each Company setting forth position, location, duties and functions, and annual compensation including bonus, deferred compensation and other benefits.
3. Accounting of all unpaid wages and accrued vacation for each Company as of today.
4. List of all participating employees and an accounting of any unpaid retention obligations for each Company as of today.

5. For each Company, a list of all loans, transfers or other arrangements (including guaranty and indemnification arrangements) to or with the officers, members, stockholders, directors, managers, consultants and employees.
6. Copies of any documents relating to any other transactions between each Company or any of its subsidiaries and any member, director, officer, manager, owner, employee or consultant of each Company or any subsidiary.
7. Copies of any and all professional or officer and director insurance policies since the formation of each Company to the present.
8. List of all Secured Lenders including the primary contact information for each group.

Real Property Matters

1. List of all real property in which each Company has an interest and the record owner of each such parcel of real property.
2. Copies of all title insurance policies, or, if current title policies have not been issued, the most-current title insurance policies regarding each Company's real property.
3. Copies of all surveys for any of real property in which each Company has an interest.
4. Purchase price for all real property owned by each Company.
5. For each Company, copies of all material real property leases and subleases, including ground leases (including any material form documents).
6. For each Company, copies of all contracts or options to purchase or sell real property.
7. For each Company, a copy of all licenses, easements or other use or development agreements related to any of real property.
8. For each Company, all material correspondence with any other parties with an interest in any of each Company's real property.
9. Copies of all material management agreements, service contracts and concession and supply agreements (including any material forms thereof) related to any of each Company's real property.

Environmental Matters

1. Documentation supporting any and all environmental issues at each Company's facilities including, but not limited to, any and all reports, notices and other correspondence from governmental authorities (such as the EPA); any and all reports, studies, estimates and other correspondence from other sources dealing with any and all environmental issues at each Company's facilities including extent of problems/violations (if any) and costs of remediation.

2. Documentation supporting any and all environmental issues at the any other present or former Company facility including, but not limited to, any and all reports, notices and other correspondence from governmental authorities (such as the EPA); any and all reports, studies, estimates and other correspondence from other sources dealing with any and all environmental issues at each Company's facilities including extent of problems/violations (if any) and costs of remediation.
3. Schedule of all environmental or safety studies, audits or reports pertaining to each Company.
4. List of all waste treatment, storage tanks or disposal sites on real property owned or leased by each Company.
5. All material correspondence and documents relating to each Company's permits and licenses for operations (air, water, solid waste).
6. All documents reflecting release of hazardous substances at any Real Properties.

Other Property

1. Copies of all extant financing leases and sales and lease-back agreements to which each Company is a party.
2. Copies of all extant conditional sale agreements to which each Company is a party.
3. Documentation supporting all asset acquisitions and sales from 2015 through today, including any appraisals.
4. Copies of all insurance policies (casualty, property, liability, medical, errors and omissions, officers and directors, etc.).
5. Listing of all patents, trademarks, service marks, trade names, trade secrets, copyrights and other intangible assets used or owned by each Company and assignment and ownership documents, if any, relating thereto.
6. List of all equipment, automobiles, vehicles, barges and vessels each Company owns and/or leases and identify the employees, if any, who use the respective Automobiles and/or vehicles.
7. Copies of all issues or pending patents, trademarks, service marks, or other intellectual property.
8. Any and all insurance policies, including, without limitation workers compensation, property and liability coverage.
9. Copies of all reserve maps owned, leased or similarly related relationship.

ERISA and Other Plans

1. Copies of pension, health, deferred compensation, profit-sharing plans or programs, bonus, retirement, incentive compensation, severance and other employee benefit plans or agreements.

2. All actuarial reports relating to any plan referred to in the preceding request.
3. Copies of all Form 5500.
4. List of any withdrawals from plan assets.
5. Copies of any agreements entered into with other companies related to health care benefit plans.
6. Medical costs for 2015, 2016, 2017, 2018, 2019, 2020 and 2021 year to date.
7. Drug costs for 2015, 2016, 2017, 2018, 2019, 2020 and 2021 year to date.
8. Admin costs for 2015, 2016, 2017, 2018, 2019, 2020 and 2021 year to date.

Other Agreements

1. Copies of all marketing agreements, including sales agent or representative, dealer and distributor agreements, consignment and pricing agreements.
2. Copies of all extant government contracts and subcontracts, if any.
3. Copies of all supply agreements (list outstanding sales commitments by sales order/invoice showing amount).
4. Copies of all extant purchase and requirements contracts. (List outstanding purchase commitments by purchase order showing amount).
5. For each Company, copies of all extant joint venture and partnership agreements.
6. For each Company, copies of all extant franchise agreements.
7. For each Company, copies of all extant management, service and tax sharing agreements.
8. For each Company, copies of all performance guarantees and bonds.
9. For each Company, copies of all advertising agreements.
10. Copies of all secrecy, confidentiality and nondisclosure agreements with employees or third parties. (Please indicate any employees not covered by such agreements.)
11. Copies of all commission, brokerage and agency agreements between each Company and any third party.
12. Copies of all contracts outside the ordinary course of business.
13. Samples of forms of purchase orders and invoices.
14. Copies of all indemnification contracts and similar arrangements for officers and directors.

15. Copies of all Agreements with affiliates, management or key personnel (including any transactions during the last four (4) years with any of them and any property or assets of any of them used by each Company or of each Company used by any of them).
16. Please identify each member of the bargaining unit by name and job classification, and for each such individual, provide the following information:
17. Provide the job description for each classification during the term of the contract.

ATTACHMENT A- ADDITIONAL HEALTH CARE DATA REQUESTS

The UMWA is requesting utilization data for an experience period over the last four years (2016-2020). Please provide a summary page. Additionally, we request all available data for 2021. This request is for data that, at a minimum, will show the following information:

DRUGS

1. Reviews of health plan by claim administration, reviews of drug utilization and formulary management.
2. Mail-Order usage and costs
3. Chain Pharmacy Usage and costs
4. Independent Pharmacy usage and costs
5. Non-Retail Provider e.g. Hospitals usage and costs
6. Top single source generics
7. Top 50 brand drugs by cost and number of scripts
8. Top 50 generic drugs by cost and number of scripts
9. Top single source brand drugs and their closest competitors- price paid at pharmacy and price paid at mail-order.
10. Top 50 prescription drugs by savings (rebate \$)
11. Top 15 Therapeutic Classes ranked by payments
12. Network or retail pharmacy payment rates negotiated by the Employer / Providers and savings associated.
13. Cost of Part B drugs
14. Dispensing Fees
15. Brand drug inflation
16. Generic drug inflation
17. Cost sharing savings associated with plan
18. Average day supply
19. Total number of Rx's
20. Total Ingredient Costs
21. Total contract fees
22. Total Pharmacy Reimbursement
23. Average Co-Pay per Rx
24. Total Co-Pay Amount
25. Total Rx's Per Member Per Year (PMPY)
26. Total Rx's Per Member Per Month (PMPM)

27. Pharmacy Reimbursement per Rx
28. Pharmacy Reimbursement PMPY
29. Pharmacy Reimbursement PMPM
30. Amount paid per Rx
31. Amount paid per days supply
32. Amount paid PMPY
33. Amount paid PMPM
34. Ingredient cost per Rx
35. Ingredient cost per 30 days
36. Ingredient Cost PMPY
37. Ingredient Cost PMPM
38. Utilizing members
39. % utilizing members
40. % DAW
41. % Generic Dispensed When Available
42. Generic percentage
43. Amount paid/Generic Days Supply
44. Mail-Order %
45. Mail-Order % Days Supply
46. Specialty Amount Paid
47. Specialty % of amount paid
48. Number of member education programs
49. Prescriber education programs
50. Demographics by Married and Single
51. All administrative costs PMPY
52. All administrative costs PMPM
53. Date Last RFP was sent to providers
54. Number of Providers RFP was sent to
55. Cost comparison studies per provider
56. Medicare and PBM Prescription Drug Rebates per year
57. Medicare subsidy amounts per year
58. The number of surcharges applied on non-formulary drugs by member
59. The total surcharges associated with non-formulary drugs
60. Excluded drugs and drug classes
61. Cost per prior authorization
62. Prior authorization program savings
63. Cost of Benefit Plan Consultations
64. Cost to adjudicate electronic claims
65. Cost for call center services
66. Clinical appeal costs
67. Non-Clinical Appeal costs
68. Writing Plan document costs
69. RDS rebate amounts (if any)

HEALTH CARE

1. ER Visits PMPM
2. ER Visits PMPY
3. Total Emergency Room Visits Per Year
4. All outreach programs and the savings associated with them.
5. Provide number of covered employees and total participants and the average monthly costs for the following benefits.
6. Hospital Benefits
7. Hospital benefits PMPM
8. Hospital benefits PMPY
9. Physician Services
10. Physician Services PMPM
11. Physician Services PMPY
12. Physician Visits
13. Physician Visits PMPM
14. Physician Visits PMPY
15. Average cost per service
16. Co-Pays
17. Co-Insurance
18. Deductibles
19. Medicare Savings
20. Total service payments
21. Admin fees for physician and hospital services
22. Admin fees for physician and hospital services (% of Claims)
23. Lab tests PMPY and PMPM
24. X-ray costs PMPY and PMPM
25. Inpatient Facility-Visits, Services, Charges, payments, Average Length of Stay
26. Outpatient Facility- Visits, Services, Charges, payments, Average Length of Stay
27. All administration fees for medical, vision, prescription, dental for each year
28. Stop Loss premiums per member per month
29. Stop Loss threshold and amount paid by insurer each year

VISION

1. Vision Care Services
2. Vision Cost PMPM
3. Vision Cost PMPY
4. Admin fees for vision care
5. Admin fees for vision care (% of Claims)
6. Total cost per year

Dental

1. Dental Care Services
2. Dental Cost PMPM
3. Dental Cost PMPY
4. Admin fees for Dental care
5. Admin fees for Dental care (% of claims)
6. Total cost per year

Life and AD&D Insurance

1. Cost PMPM
2. Cost PMPY
3. Total cost to company in each year

Ambulance Services

1. All health care transportation services
2. All network contracts and costs associated with each one
3. Total cost per year

Durable Medical Equipment

1. DME contracts and savings
2. DME Costs PMPY
3. DME Costs PMPM
4. DME broken out by charges, payments, savings, average payment, average charge, average day supply.

Other Data

1. Census of age, gender, active, retired and cost relevant to health and prescription drugs.
2. Network Savings- Inpatient Facility, Outpatient Facility, Professional, Drug and Total.
3. Non-Participating Network Costs- Inpatient Facility, Outpatient Facility, Professional, Drug and Total.
4. Member payment range report- Payments, % of Payments, Cumulative % of Payments, members, % of Average Enrolled Members, Cumulative % of Averaged Enrolled Members.
5. Inpatient Facility utilization by Diagnostic Category- Please sort by payments and other items such as days, admits severity index, etc.
6. Inpatient Facility- Please provide top 20 by payments, admits, days, services, % of payments.
7. Outpatient Facility Utilization by Type of Service- Please sort by

- payments and other items such as services, payment/member, etc.
8. Outpatient Facility- Please provide top 20 by payments, admits, days, services, % of payments.
 9. Professional Utilization by type of service- Please sort by payment, services, etc.
 10. Top Professional Providers Ranked by Payment- Please provide services, payment/member, etc.
 11. High-Cost Report for Member Payments over \$25,000, \$50,000, \$75,000 and \$100,000.
 12. PPO or other Network Access Fees per employee per month.
 13. Disease management savings and cost per member.
 14. Medical and Psychiatric Case Management
 15. Non-Network Hospital/Physician Negotiations and Discounts
 16. Subrogation Recovery savings and % of savings guaranteed by contract
 17. Hospital Bill Audit savings
 18. Clinical Review/Audit results
 19. Savings from diabetes education programs
 20. Savings associated with nurse advice line or similar program.
 21. Savings from wellness program early detection
 22. Number of healthcare related disputes in each year and the cost
 23. Member payments by prescription and medical each year.
 24. Cobra premiums and a detailed description on how each different class is calculated (example Single, Family, Employee plus one, etc.)
 25. Detailed description of Step Therapy programs and savings associated
 26. Number of Urgent Care or similar non-emergency care facilities in the geographical area.
 27. Cost per visit per employee at Urgent Care or similar facilities.
 28. Plan design matrix
 29. Copy of all benefit Plan Documents
 30. Deductibles, coinsurance, Co-payments, Maximum Out Of Pockets for each category of Employee
 31. Total health care cost per employee per year.
 32. Total cost of UMWA employee per year by mine.
 33. Total medical and prescription costs
 34. Rebate and discount amounts

ATTACHMENT B- Other Supplemental Info Requests

- 1) For calendar years 2016-2020 through the present, provide a quarterly distribution of production hours and employment for bargaining unit employees,

Distribution of hours should be provided on the following basis for both full-time and per diem Employees separately:

- A) Straight time hours

- B) Daily overtime hours
 - C) Saturday hours
 - D) Sunday hours
 - E) Holiday hours
 - F) Day shift hours
 - G) Evening shift hours
 - H) Midnight shift hours
- 2) For calendar years 2016-2020 through the present, provide the distribution of employees by job classification and wage rate for bargaining unit employees.
 - 3) Provide the job description including duties and minimum qualifications for each job classification for bargaining unit employees.
 - 4) For calendar years 2016-2020 through the present, provide a distribution of employees by age for bargaining unit employees.
 - 5) For calendar years 2016-2020 through the present, provide a distribution of employees by years of continuous service for bargaining unit employees.
 - 6) For calendar years 2016-2020 through the present, provide a distribution of annual earnings by employees for bargaining unit employees.
 - 7) For calendar years 2016-2020 through the present, provide a distribution of employees by sex for bargaining unit employees.
 - 8) Provide a distribution of employees on lay-off by years of continuous service with the employer as of December 31st for the years 2016-2020 through the present for bargaining unit employees. *(this should include time spent with the previous employer before the bankruptcy)*
 - 9) For calendar years 2016-2020 through the present, provide the number of vacation/paid time off days/hours accrued per each bargaining Unit Employee.
 - 10) For calendar years 2016-2020 through the present, provide the following work force turnover information for bargaining unit employees
 - A) Number of retiring employees
 - B) Number of voluntary quits
 - C) Number of involuntary terminations
 - D) Number of recalls from layoff
 - E) Number of new hires
 - i) With experience
 - ii) Without experience

- 11) For calendar years 2016-2020 through the present, provide the total cost of unemployment compensation taxes for bargaining unit employees.
- 12) For calendar years 2016-2020 through the present, provide the total cost of workers compensation insurance for Bargaining unit employees.
- 13) Provide a distribution of employees indicating shift operation and rotation practices for the years 2016-2020 through the present for bargaining unit employees.

Shift and rotation practices should be delineated as follows:

- A) Single shift, length of shift and starting time
 - B) Two shifts, length of shift and starting time
 - C) Three shifts, length of shift and starting time
- 14) For calendar years 2016-2020 through the present, provide the total amount of wages paid for newly-employed orientation/training for bargaining unit employees.
 - 15) For calendar years 2016-2020 through the present, provide the total amount of wages paid for required training/refresher training for bargaining unit employees.
 - 16) For calendar years 2016-2020 through the present, provide the total amount of wages paid for training for bargaining unit employees.
 - 17) For calendar years 2016-2020 through the present, provide the number of covered employees, the number of total covered participants and the average monthly cost of the following benefits for all plants of the employer:

- A) Life and accidental death and dismemberment insurance

Provide the cost data by working group and non-working group, (i.e. compensation and S & A) and delineate the administrative cost of providing the above benefits for bargaining unit employees.

- 18) For calendar years 2016-2020 through the present, provide the following data regarding sickness and accident benefits if applicable for bargaining unit employees:
 - A) Number of employees receiving S & A benefits
 - B) Number of employees who exhausted all S & A benefits
 - C) Average length of S & A benefits
 - D) Total Cost
 - E) Average cost per hour worked
- 19) For calendar years 2016-2020 through the present, provide a distribution of co-payments for prescription drugs and physician services by working group and non-working group for bargaining unit employees.

20) Provide the monthly cost of employer-provided health, life and AD&D benefits since January 1, 2016 for bargaining unit employees:

- A) Working group
 - i) Single
 - ii) Family

21) Provide the projected monthly cost of employer provided health, life and AD&D benefits as of January 1, 2020 for bargaining unit employees.

- A) Working group
 - i) Single
 - ii) Family

22) For calendar years 2016-2020 through the present, provide a quarterly listing of the number of subcontracting jobs performed for the employer where the total value of the subcontracted work exceeded \$500.

- A) Number of such contracts
- B) Total cost of such contracts
- C) Type of work performed
 - i) Transportation
 - ii) Repair and maintenance
 - iii) Construction
- D) Reason for such subcontracting
- E) Number of hours worked on each subcontract.

We appreciate your attention to the request and look forward to your response. Should you have any questions concerning any particular question please don't delay your response to the remaining questions; rather, please contact my office to resolve same. We will consider agreeing to any reasonable confidentiality agreement upon your articulation of a specific concern.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 10-CA-274900

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not

submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.